IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.75090-M of 2006
Date of Decision:- 9.1.2007

Naushad ....Petitioner(s)

through
Mr.Rahul Deswal, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is a life convict, is aggrieved at the order dated 13.10.2006 (Annexure P-1) passed by the Director General of Prisons, Haryana, whereby his request for release on furlough has been turned down on the ground that he is a resident of Uttar Pradesh; his co-accused Mohan Singh has also got his leave sanctioned and if the petitioner comes out, there is apprehension of breach of peace in the village and he can also flee.

Somewhat similar stand has been taken in the reply filed on behalf of the respondents in Court, which is taken on record.

According to learned counsel for the petitioner, none of the reasons has any factual basis. Regarding the first reason, it is stated that the petitioner is now a permanent resident of Village Samalkha, District Ambala, as his family owns agricultural land and other properties in the said village. So far as the second reason is concerned, there is no dispute that co-accused Mohan Singh's leave is over and he has already returned to jail. As regard to third reason, it is contended that the same is based upon wholly

un-substantiated apprehension.

After hearing learned counsel for the parties, I am of the considered view that the petitioner's request for release on furlough needs to be reconsidered by the competent Authority strictly in the light of provisions contained in Section 4 read with Section 6 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. If on verification, the Authorities are satisfied that the petitioner and his family are now permanent residents of Village Samalkha and the Gram Panchayat as also other respectables of the village are ready to furnish their personal bonds with regard to the good behaviour of the petitioner if he is released on furlough, there appears to be no reason to deny the benefit of Section 4 of the Act to the petitioner, provided that he fulfills other statutory conditions.

Consequently, this petition is allowed to the extent that the order dated 13.10.2006 (Annexure P-1) is quashed with a direction to the Director General of Prisons, Haryana, to reconsider the petitioner's claim to release him on furlough in the light of observations made herein-above. The necessary decision shall be taken within a period of one month from the date of receipt of certified copy of this order.

January 09, 2007 **(SURYA KANT)**
poonam **JUDGE**